

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FARAH JEAN FRANCOIS,

Case No.: 1:22-cv-4447-JSR

Plaintiff,

-against-

**VICTORY AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
SPARTAN AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
STAVROS ORSARIS,
YESSICA VALLEJO,
DAVID PEREZ,
DIANE ARGYROPOULOS, and
PHILIP ARGYROPOULOS,**

Defendants.

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**DECLARATION OF AHMAD KESHAVARZ IN OPPOSITION TO DEFENDANTS
MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, AHMAD KESHAVARZ declares under penalty of perjury that the foregoing is true and correct.

1. I am a member of the Bar of this Court and the principal for The Law Office of Ahmad Keshavarz for Plaintiff Farah Jean Francois (“Plaintiff”).

2. I make this Declaration in support of Plaintiff’s Opposition to the Defendants’ Motion for Summary Judgment [DE 49-52].

3. I make this Declaration for the purpose of presenting such documents to the Court for consideration in connection with the Opposition, and respectfully refer the Court to the accompanying Memorandum of Law and 56.1 Statement for Plaintiff’s factual and legal arguments.

4. On March 15, 2023 I went to the website of SPARTAN AUTO GROUP LLC d/b/a VICTORY MITSUBISHI at <https://www.victorymitsubishi.com/> . I clicked on the fields to list the dealership's new vehicles and pre-owned vehicle inventory. The website listed 482 pre-owned vehicles, but only 92 new vehicles.

5. Attached hereto as **Exhibit A** is a true and correct copy of the deposition transcript of Defendant David Perez.

6. Attached hereto as **Exhibit B** is a true and correct copy of the deposition transcript of Defendant Yessica Vallejo.

7. Attached hereto as **Exhibit C** is a true and correct copy of the deposition transcript of Defendant Diane Argyropoulos.

8. Attached hereto as **Exhibit D** is a true and correct copy of the deposition transcript of Defendant Stavros Orsaris.

9. Attached hereto as **Exhibit E** is a true and correct copy of the "Deal Jacket," the physical file kept for the sale of the Vehicle in the name of Farah Jean Francois by Defendants.

10. Attached hereto as **Exhibit F** is a true and correct copy of screenshots of posts by Instagram social media accounts affiliated with Victory Mitsubishi and run by Victory Mitsubishi employees.

11. Attached hereto as **Exhibit G** is a true and correct copy of agreements between Defendant Spartan Auto Group, LLC and Mitsubishi Motors for the ownership of a Mitsubishi franchise.

12. Attached hereto as **Exhibit H** is a true and correct copy of an agreement between Defendant Spartan Auto Group, LLC and Credit Bureau Connection ("CBC") for the subscription of CBC's service providing credit reports.

13. Attached hereto as **Exhibit I** is a true and correct copy of a printout of the Dealertrack account opened by Victory Mitsubishi for Emmanuel Laforest.

14. Attached hereto as **Exhibit J** is a true and correct copy of a printout of the Dealertrack account opened by Victory Mitsubishi for Jami Singer.

15. Attached hereto as **Exhibit K** is a true and correct copy of a printout of the Dealertrack account opened by Victory Mitsubishi for Farah Jean Francois.

16. Attached hereto as **Exhibit L** is a true and correct copy of the Affidavit of Yosmaily Ventura, former employee of Victory Mitsubishi.

17. Attached hereto as **Exhibit M** is a true and correct copy of the First Amended Complaint in *Utnicki v. JPMorgan Chase Bank, N.A., et al.*, 1:21-cv-06108-ARR-RER (E.D.N.Y.).

18. Attached hereto as **Exhibit N** is a true and correct copy of a printout of complaints against Victory Mitsubishi made on the website Cars.com.

19. Attached hereto as **Exhibit O** is a true and correct copy of the deposition transcript of Plaintiff Farah Jean Francois.

20. Attached hereto as **Exhibit P** is a true and correct copy of the Affidavit of Farah Jean Francois made in Opposition to Defendants' Motion for Summary Judgment.

21. Attached hereto as **Exhibit Q** is a true and correct copy of dispute letters written by Farah Jean Francois concerning tickets and violations incurred by Emmanuel Laforest with the Vehicle.

22. Attached hereto as **Exhibit R** is a true and correct copy of the New York Department of Motor Vehicles Abstract for the Driver's License of Farah Jean Francois. This document was not previously produced in discovery as the undersigned only received it today, March 15, 2023 (please note the document's date of March 15, 2023).

23. Attached hereto as **Exhibit S** is a true and correct copy of the deposition transcript of Papito Momplaisir.

24. Attached hereto as **Exhibit T** is a true and correct copy of the deposition transcript of Emmanuel Laforest

25. Attached hereto as **Exhibit U** is a true and correct copy of the agreement between Defendant Spartan Auto Group, LLC and Capital One, N.A.

26. Attached hereto as **Exhibit V** is a true and correct copy of the Grand Jury Indictment in *U.S. v. Chris Orsaris*, Case 2:10-CR-0232-LDW (E.D.N.Y.).

27. Attached hereto as **Exhibit W** is a true and correct copy of the Criminal Judgment in *U.S. v. Chris Orsaris*, Case 2:10-CR-0232-LDW (E.D.N.Y.).

28. Attached hereto as **Exhibit X** is a true and correct copy of the Dealertrack User Guide.

29. Attached hereto as **Exhibit Y** is a true and correct copy of the Stipulation of Settlement and Order in *New York v. Victory Motors, LLC, et al.*, Index No. 70684/2017.

30. Attached hereto as **Exhibit Z** is a true and correct copy of the deposition transcript of Jami Singer.

31. Attached hereto as **Exhibit AA** is a true and correct copy of the documents produced in response to Plaintiff's subpoena by Capital One, N.A.

32. Attached hereto as **Exhibit BB** is a true and correct copy of the responses to credit applications submitted by Defendants in the name of the Plaintiff Farah Jean Francois.

33. Attached hereto as **Exhibit CC** is a true and correct copy of the unsigned sales contract given to Farah Jean Francois in September of 2020.

34. Attached hereto as **Exhibit DD** is a true and correct copy of text messages between Emmanuel Laforest and Defendant Stavros Orsaris.

35. Attached hereto as **Exhibit EE** is a true and correct copy of a printout obtained by the undersigned by going, on March 15, 2023, to the website e-zpassny.com and searching the violation numbers affiliated with the toll violations incurred by Emmanuel Laforest with the Vehicle.

36. Attached hereto as **Exhibit FF** is a true and correct copy of the June 29, 2021 letter from Farah Jean Francois to Victory Mitsubishi and Capital One Auto Finance.

37. Attached hereto as **Exhibit GG** is a true and correct copy of the TransUnion Credit Report for Farah Jean Francois obtained on September 2, 2021.

38. Attached hereto as **Exhibit HH** is a true and correct copy of the Equifax Credit Report for Farah Jean Francois obtained on June 11, 2021.

WHEREFORE, for the reasons set forth herein and in the accompanying Memorandum of Law, Plaintiff respectfully requests for the Court to deny Defendants' Motion for Summary Judgment.

Dated: Brooklyn, New York
March 15, 2023

_____/s/_____
Ahmad Keshavarz
Law Office of Ahmad Keshavarz
16 Court St., 26th Floor
Brooklyn, NY 11241
Attorney for Plaintiffs